

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82269 of 2019

Arising Out of PS. Case No.-305 Year-2019 Thana- MANJHI District- Saran

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SANJIV KUMAR SINGH @ BABLU Son of Mahendra Prasad Resident of
Village - Ahiyapur, P.S.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Rajesh Kumar Singh
For the Opposite Party/s : Mr.Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

26 09-11-2022 As per the order dated 28.01.2020, the matter was referred for an enquiry to be conducted by the Registrar General, Patna High Court, as the present regular bail application was filed with suppression of fact.

On the earlier occasion also, the petitioner had preferred one regular bail application, but the said fact was not stated in the present application.

An enquiry report dated 15.09.2022 has been submitted by the Registrar General, Patna High Court in pursuance of the order dated 28.01.2020.

The enquiry report submitted by the Registrar General, Patna High Court is as follows:



ENQUIRY REPORT

Cr. Misc. No. - 82269/2019

(Sanjiv Kumar Singh alias Bablu Vs. State of Bihar)

Before Hon'ble Appropriate Single Bench

My Lord,

The Hon'ble Court vide order dated 28.01.2020 passed in Cr. Misc. No. 82269 of 2019 has been pleased to direct the Registrar General to enquire in the matter of suppression of fact regarding filing of previous bail petition on behalf of the petitioner, bearing Cr. Misc. No. 72478 of 2019. Hon'ble Court was also pleased to direct the undersigned to submit a report fixing responsibility within a period of three months from the date of receipt of the order.

In compliance of the direction, Show Cause Notices were issued to all persons concerned with a direction to appear before the Lawazima Board and to file their Show Cause Reply.

It is humbly submitted before the Hon'ble Bench that due to Covid-19 pandemic, regular functioning of Lawazima Board was impeded, consequentially enquiry could not be completed within the stipulated time. Therefore, an Interim Report was submitted before the Hon'ble Bench on 30.09.2021. The Hon'ble Bench vide order dated 02.11.2021 was pleased to grant further three months time for completion of the Enquiry and submission of report, with a further direction to list the



matter on 07.02.2022.

It is humbly submitted before the Hon'ble Bench that Show Cause reply of Dr. Rajesh Kumar Singh (Learned Counsel for the Petitioner), Smt. Deepti Pandey (Learned Advocate Oath Commissioner) and Sri Ritesh Kumar Tiwari (Advocate Clerk) have been filed. But the reply on behalf of Sri Sanjiv Kumar Singh alias Bablu (Petitioner) and Sri Deepak Kumar Thakur (Deponent) were not filed, neither they have appeared before the Lawazima Board. So, the Lawazima Board vide order dated 22.12.2021, issued a direction to the Superintendent of Police, Muzaffarpur to take immediate steps for production of the Petitioner and the Deponent before the Lawazima Board on 12.01.2022. Upon which, the Senior Superintendent of Police, Muzaffarpur vide letter no. 18 dated 12.01.2022 (at flag 'R') reported that the Petitioner namely Sri Sanjiv Kumar Singh alias Bablu does not reside on his given address (i.e. at village – Ahiyapur, District Muzaffarpur). Further, it was submitted that the house of the Deponent Sri Deepak Kumar Thakur is locked for a long time and no one resides there and on inquiry the people of the neighboring area said that there was no information about his whereabouts.

It is also humbly submitted due to Covid-19 pandemic,



as per directions, cases were not listed before the Lawazima Board from 04.01.2022 to 18.02.2022. So, the Enquiry could not be completed within stipulated time and an Interim Report was submitted before the Hon'ble Bench on 24.02.2022. The Hon'ble Bench vide order dated 10.03.2022 was pleased to grant further three months time to conclude the enquiry with a direction to list this matter on 20.06.2022.

It is pertinent here to humbly submit that vide order dated 29.03.2022 and 26.04.2022 of the Lawazima Board, Sri Sanjiv Kumar Singh @ Bablu (the petitioner) and Sri Deepak Kumar Thakur (the Deponent) were given further opportunity to appear before the board and to file Show Cause Reply. But both failed to comply till date.

In view of the circumstances and urgency of the matter, vide order dated 10.05.2022 of the Lawazima Board, learned Court below was directed to take all steps, including coercive one, to ensure the appearance of the Petitioner Sri Sanjiv Kumar Singh alias Bablu and the Deponent Sri Deepak Kumar Thakur before the Board. The order was communicated to 2nd Additional Sessions Judge, Excise, Saran at Chapra vide letter no. 28133 dated 12.05.2022 (flag 'Y') through Fax.

It is humbly submitted that three-month time was



granted vide order dated 10.03.2022 by the Hon'ble Bench for completion of Enquiry and submission of Report which was going to expire on 19.06.2022 and the matter was directed to be listed on 20.06.2022. In view of the aforesaid circumstances, an interim report for extension of time was submitted before the Hon'ble Bench on 17.05.2022. Considering the same, the Hon'ble Bench vide order dated 20.06.2022 was pleased to grant further three months time to complete the enquiry and submit the report to the appropriate Bench after taking necessary orders of the Hon'ble the Chief Justice.

Thereafter, learned Second Exclusive Special Excise Judge, Saran at Chapra has reported, vide his letter no. 231 dated 22.07.2022 (flag 'D'), that Petitioner Sanjeev Kumar Singh @ Bablu is on bail and learned Counsel for the petitioner has informed that he is not in contact with the petitioner and next date fixed in the matter is on 09.08.2022 on which date necessary action will be taken for his appearance.

The Learned Second Exclusive Special Excise Judge, Saran at Chapra again has reported, vide his letter no. 279 dated 06.09.2022 flag 'E', that accused Sanjeev Kumar Singh has not appeared after cognizance, his Bail Bond was cancelled on 22.08.2022 and NBW has been issued against



him, and notices to his sureties have also been issued.

Meanwhile, in his reply (Flag 'A'), Dr. Rajesh Kumar Singh (learned counsel for the petitioner) has submitted that he filed a petition bearing token no. 83237/2019 (Cr. Misc. No. 82269/2019) on 06.11.2019, and by that time, Cr. Misc. No. 72478/2019 was not registered and he had no knowledge about filing of the same. He has also submitted that Cr. Misc. No. 72478/2018, vide token no. 82340/2019, had been filed on 26.10.2019 by the another Deponent (Petitioner's wife Smt. Ritu Singh) through another learned counsel namely, Mr. Sachida Nand Rai and the case was registered on 13.11.2019 wherein the Hon'ble Bench was pleased to grant bail to the petitioner on 25.11.2019. It was further submitted that *Pairvikar* (Deponent) of the Cr. Misc. No. 82269/2019 had informed him that due to delay in filing of the present case by him, the petitioner had handed over another vakalatnama to another counsel and he filed the same. It was further submitted that in the meantime, he was diagnosed with some problem in his intestine and was prescribed several medical test which was later on, finally diagnosed as cancer by the Paras Hospital, Patna. He took second opinion from Rajiv Gandhi Cancer Institute and Research Centre, Delhi where doctors opined that he was not suffering from cancer. Due to all these problems, he had failed to enquire about the present position of his case,



bearing Token No. 83237/2019 (Cr. Misc. No. 82269/2019). He has also submitted that Cr. Misc. No. 82269 of 2019 was listed before the Hon'ble Bench on 28.01.2020 and prayer for withdrawal of the same was made, but the Hon'ble Court was pleased to pass the order for enquiry mentioning in the order that present case had been filed after withdrawal of Cr. Misc. No. 72478/2019. He has further submitted that two cases were filed which was not proper, due to *Pairvi* of the same case by two persons, not giving correct information to each other, and also to the present Advocate on record. He has also submitted that on 12.11.2019, when he came to know that another counsel had filed Cr. Misc. No. 72478/2019, he tried his best to withdraw the case filed by him in Cr. Misc. No. 82269 of 2019. Lastly, he has begged unconditional apology for all mistake and undertaken not to repeat the same in future.

In his show cause reply (flag 'B'), Smt. Deepti Pandey (the learned Advocate Oath Commissioner) has submitted that the Deponent Deepak Kumar Thakur had come to her office alongwith Advocate Clerk Sri Ritesh Kumar Tiwary and Oath was administered by her; and as the persons concerned affixed their signature on the affidavit page in her presence, there was no error or impersonation in swearing oath by the person concerned. She has also submitted that the Deponent had also affixed his signature



on Oath Register.

In his show cause reply (flag 'C'), Sri Ritesh Kumar Tiwari (the Advocate Clerk) has submitted that he is the registered clerk of Dr. Rajesh Kumar Singh, Advocate, AOR 00394 and has acted as per instruction of the learned counsel. He has also submitted that he had filed Cr. Misc. No. 82269/2019 and has no knowledge of filing of the earlier case Cr. Misc. No. 72478/2019 in the same matter.

On going through the entire facts and circumstances stated hereinabove, it is humbly submitted before the Hon'ble Bench that prima facie it appears to be a case of suppression of fact by the Petitioner, Sanjiv Kumar Singh @ Bablu and Deepak Kumar Thakur (the Deponent of Bail Application Cr. Misc. No. 82269 of 2019, filed later), to obtain bail from this Hon'ble Court, by suppressing the fact of previously filed Bail Petition in Cr. Misc. No. 72478/2019, in same matter, before this Hon'ble Court, which is a criminal act, punishable under different section(s) of Indian Penal Code.

Accordingly, the Enquiry Report is submitted before your Lordship for kind consideration and necessary direction.

Sd/-
15/09/2022
(Rupes Deo)
Registrar General



The enquiry report dated 15.09.2022 submitted by the Registrar General, Patna High Court is accepted.

Learned counsel for the petitioner seeks permission to withdraw this application.

Permission is accorded.

Accordingly, this application filed in connection with Manjhi P.S. Case No. 305 of 2019 is dismissed as withdrawn.

The Registrar General, Patna High Court is directed to proceed as per law in the light of the report dated 15.09.2022 submitted by him.

Let the case record be placed before the Registrar General, Patna High Court for the needful.

(Alok Kumar Pandey, J)

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